

STATE OF UTAH -- DIVISION OF WATER RIGHTS -- DATA PRINT OUT for E33(59-5861)

(WARNING: Water Rights makes NO claims as to the accuracy of this data.) RUN DATE: 12/19/2016 Page 1

EXCHANGE: E33 (59-5861) BASE WATER RIGHT: 59-3518 STOCK/CONTRACT NUMBER: COUNTY TAX ID#:

RIGHT EVIDENCED BY: Application for Exchange of Water E33, filed November 26, 1938. Salt Lake City etal vs Gardner etal, Judge J.E. Booth, dated June 5, 1909; Water Right 59-3518 (West Jordan Milling Company) and Water Right 59-3496 (North Jordan Irrigation Company), each being for 30 cfs.

WATER COMPANY/DISTRICT ASSOCIATED WITH THIS EXCHANGE: North Jordan Irrigation Company

OWNERSHIP\*\*\*\*\*

NAME: Kennecott Utah Copper LLC  
ADDR: ATTN: John Birkinshaw, Land and Water Resources  
4700 West Daybreak Parkway  
South Jordan, UT 84009  
INTEREST: 100% REMARKS:

DATES, ETC.\*\*\*\*\*

FILED: 11/26/1938|PRIORITY: 11/26/1938|ADV BEGAN: 02/09/1939|ADV ENDED: 03/09/1939|NEWSPAPER:  
ProtestEnd: |PROTESTED: [No] |HEARNG HLD: |SE ACTION: [|ActionDate:07/23/1941|PROOF DUE:  
EXTENSION: |Elec-Proof:[]|El-PrFiled: |CERT/WUC: |LAP, ETC: |LAPS LETTR:  
RushLetter: |RENOVATE: |RECON REQ: |TYPE: [|]

Status: [Approved]  
Related Distribution System: 59-UTAH LAKE/JORDAN RIVER

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\*\*\*\*\*C U R R E N T R I G H T\*\*\*\*\*  
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FLOW: 30.00000 cfs  
SOURCE: Jordan River

COUNTY: Salt Lake

POINT OF DIVERSION -- SURFACE:  
(1) S 100 ft W 80 ft from N4 cor, Sec 11, T 3S, R 1W, SLBM  
Diverting Works: North Jordan Diversion Dam Source: Jordan River

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USES OF EXCHANGE\*\*\*\*\* ELU -- Equivalent Livestock Unit (cow, horse, etc.) \*\*\*\*\* EDU -- Equivalent Domestic Unit or 1 Family  
...  
###OTHER Metallurgical and other uses incident to the treatment of ores. PERIOD OF USE: 01/01 TO 12/31

OTHER COMMENTS\*\*\*\*\*

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\*\*\*\*\*P R O P O S E D E X C H A N G E\*\*\*\*\*  
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FLOW: 10948.92000 acre-feet PERIOD OF USE: 05/01 TO 10/31  
SOURCE: Jordan River / Utah Lake  
COUNTY: Salt Lake COMMON DESCRIPTION: Jordan River

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LOCATION OF WATER RIGHT\*\*\*\*\*

POINTS OF EXCHANGE -- SURFACE:  
(1) N 180 ft E 1880 ft from W4 cor, Sec 26, T 4S, R 1W, SLBM  
Diverting Works: Turner Dam (Utah & Salt Lake C Source: Utah Lake and Jordan River  
(2) S 1000 ft W 40 ft from N4 cor, Sec 25, T 5S, R 1W, SLBM  
Diverting Works: Utah Lake Pumping Plant Source: Utah Lake

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	* NW	NE	SW	SE	* NW	NE	SW	SE	* NW	NE	SW	SE	* NW	NE	SW	SE	*	Totals
Sec 05 T 1S R 2W SLBM *X		X	X	X	*X	X	X	X	*X	X	X	X	*X	X	X	X	*	0.0000
Sec 06 T 1S R 2W SLBM *X		X	X	X	*X	X	X	X	*X	X	X	X	*X	X	X	X	*	0.0000
Sec 07 T 1S R 2W SLBM *X		X	X	X	*X	X	X	X	*X	X	X	X	*X	X	X	X	*	0.0000
Sec 08 T 1S R 2W SLBM *X		X	X	X	*X	X	X	X	*X	X	X	X	*X	X	X	X	*	0.0000
Sec 17 T 1S R 2W SLBM *X		X	X	X	*X	X	X	X	*X	X	X	X	*X	X	X	X	*	0.0000
Sec 18 T 1S R 2W SLBM *X		X	X	X	*X	X	X	X	*X	X	X	X	*X	X	X	X	*	0.0000
Sec 19 T 1S R 2W SLBM *X		X	X	X	*X	X	X	X	*X	X	X	X	*X	X	X	X	*	0.0000
Sec 20 T 1S R 2W SLBM *X		X	X	X	*X	X	X	X	*X	X	X	X	*X	X	X	X	*	0.0000
Sec 30 T 1S R 2W SLBM *X		X	X	X	*X	X	X	X	*X	X	X	X	*X	X	X	X	*	0.0000
Sec 01 T 1S R 3W SLBM *X		X	X	X	*X	X	X	X	*X	X	X	X	*X	X	X	X	*	0.0000
Sec 02 T 1S R 3W SLBM *X		X	X	X	*X	X	X	X	*X	X	X	X	*X	X	X	X	*	0.0000
Sec 10 T 1S R 3W SLBM *X		X	X	X	*X	X	X	X	*X	X	X	X	*X	X	X	X	*	0.0000
Sec 11 T 1S R 3W SLBM *X		X	X	X	*X	X	X	X	*X	X	X	X	*X	X	X	X	*	0.0000
Sec 12 T 1S R 3W SLBM *X		X	X	X	*X	X	X	X	*X	X	X	X	*X	X	X	X	*	0.0000
Sec 13 T 1S R 3W SLBM *X		X	X	X	*X	X	X	X	*X	X	X	X	*X	X	X	X	*	0.0000
Sec 14 T 1S R 3W SLBM *X		X	X	X	*X	X	X	X	*X	X	X	X	*X	X	X	X	*	0.0000
Sec 15 T 1S R 3W SLBM *X		X	X	X	*X	X	X	X	*X	X	X	X	*X	X	X	X	*	0.0000
Sec 16 T 1S R 3W SLBM *X		X	X	X	*X	X	X	X	*X	X	X	X	*X	X	X	X	*	0.0000
Sec 17 T 1S R 3W SLBM *X		X	X	X	*X	X	X	X	*X	X	X	X	*X	X	X	X	*	0.0000
Sec 19 T 1S R 3W SLBM *X		X	X	X	*X	X	X	X	*X	X	X	X	*X	X	X	X	*	0.0000
Sec 20 T 1S R 3W SLBM *X		X	X	X	*X	X	X	X	*X	X	X	X	*X	X	X	X	*	0.0000
Sec 21 T 1S R 3W SLBM *X		X	X	X	*X	X	X	X	*X	X	X	X	*X	X	X	X	*	0.0000
Sec 22 T 1S R 3W SLBM *X		X	X	X	*X	X	X	X	*X	X	X	X	*X	X	X	X	*	0.0000
Sec 23 T 1S R 3W SLBM *X		X	X	X	*X	X	X	X	*X	X	X	X	*X	X	X	X	*	0.0000
Sec 24 T 1S R 3W SLBM *X		X	X	X	*X	X	X	X	*X	X	X	X	*X	X	X	X	*	0.0000
Sec 25 T 1S R 3W SLBM *X		X	X	X	*X	X	X	X	*X	X	X	X	*X	X	X	X	*	0.0000
Sec 05 T 3S R 2W SLBM *					*				*X		X		*				*	0.0000
Sec 06 T 3S R 2W SLBM *					*				*				*	X	X	X	*	0.0000
Sec 17 T 3S R 2W SLBM *X		X	X	X	*X	X	X	X	*X	X	X	X	*X	X	X	X	*	0.0000
Sec 18 T 3S R 2W SLBM *X		X	X	X	*X	X	X	X	*X	X	X	X	*X	X	X	X	*	0.0000
Sec 19 T 3S R 2W SLBM *X		X	X	X	*X	X	X	X	*X	X	X	X	*X	X	X	X	*	0.0000
Sec 30 T 3S R 2W SLBM *X		X	X	X	*X	X	X	X	*X	X	X	X	*X	X	X	X	*	0.0000
Sec 31 T 3S R 2W SLBM *X		X	X	X	*X	X	X	X	*X	X	X	X	*X	X	X	X	*	0.0000
Sec 11 T 3S R 3W SLBM *X		X	X	X	*X	X	X	X	*X	X	X	X	*X	X	X	X	*	0.0000
Sec 12 T 3S R 3W SLBM *X		X	X	X	*X	X	X	X	*X	X	X	X	*X	X	X	X	*	0.0000
Sec 13 T 3S R 3W SLBM *X		X	X	X	*X	X	X	X	*X	X	X	X	*X	X	X	X	*	0.0000
Sec 14 T 3S R 3W SLBM *X		X	X	X	*X	X	X	X	*X	X	X	X	*X	X	X	X	*	0.0000
Sec 15 T 3S R 3W SLBM *X		X	X	X	*X	X	X	X	*X	X	X	X	*X	X	X	X	*	0.0000
Sec 22 T 3S R 3W SLBM *X		X	X	X	*X	X	X	X	*X	X	X	X	*X	X	X	X	*	0.0000
Sec 23 T 3S R 3W SLBM *X		X	X	X	*X	X	X	X	*X	X	X	X	*X	X	X	X	*	0.0000
Sec 24 T 3S R 3W SLBM *X		X	X	X	*X	X	X	X	*X	X	X	X	*X	X	X	X	*	0.0000
Sec 25 T 3S R 3W SLBM *X		X	X	X	*X	X	X	X	*X	X	X	X	*X	X	X	X	*	0.0000
Sec 26 T 3S R 3W SLBM *X		X	X	X	*X	X	X	X	*X	X	X	X	*X	X	X	X	*	0.0000
Sec 27 T 3S R 3W SLBM *X		X	X	X	*X	X	X	X	*X	X	X	X	*X	X	X	X	*	0.0000
Sec 33 T 3S R 3W SLBM *X		X	X	X	*X	X	X	X	*X	X	X	X	*X	X	X	X	*	0.0000

Sec 34	T	3S	R	3W	SLBM	*X	X	X	X	*X	X	X	X	*X	X	X	X	*	0.0000
Sec 35	T	3S	R	3W	SLBM	*X	X	X	X	*X	X	X	X	*X	X	X	X	*	0.0000
Sec 36	T	3S	R	3W	SLBM	*X	X	X	X	*X	X	X	X	*X	X	X	X	*	0.0000
Sec 01	T	4S	R	3W	SLBM	*X	X	X	X	*X	X	X	X	*X	X	X	X	*	0.0000
Sec 02	T	4S	R	3W	SLBM	*X	X	X	X	*X	X	X	X	*X	X	X	X	*	0.0000
Sec 03	T	4S	R	3W	SLBM	*X	X	X	X	*X	X	X	X	*X	X	X	X	*	0.0000

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RESERVOIR STORAGE:

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Storage from 01/01 to 12/31, inclusive, in Utah Lake with a maximum capacity of 898000.000 acre-feet, located in:

Height of Dam:	12	NORTH-WEST≈	NORTH-EAST≈	SOUTH-WEST≈	SOUTH-EAST≈
Area Inundated:		NW NE SW SE	NW NE SW SE	NW NE SW SE	NW NE SW SE

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OTHER COMMENTS\*\*\*\*\*

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The state engineer approved Exchange 33 in 1941 after a fairly long, complex, and protested evaluation. This exchange is based on 59-3518 (a1433) which is 30 cfs from May 1 - Oct 31. A proof on the exchange was filed later. The exchange is different in many aspects from exchanges that would be approved today.

The exchange is based on two water rights both of which had been decreed:

Kennecott Copper owned 59-3518 which allowed the diversion of 30 cfs of the flow from Jordan River and Utah Lake at the North Jordan Canal POD for commercial mining purposes. At some point along the canal after it was diverted, Kennecott would pump the flow up to their mining facilities.

North Jordan Irrigation Co. owned 59-3496 which allowed diversion of 120 cfs of water including water stored in Utah Lake which was diverted at the North Jordan Canal POD.

The exchange allowed Kennecott to divert 10948.92 acre-feet (no flow rate limitation was attached to this diversion but the acre foot amount is the equivalent of 30 cfs diverted continuously over the use period from May 1 to October 31) at the POD for the Utah and Salt Lake Canal under North Jordan Irrigation Company's water right 59-3496. In exchange North Jordan IC would divert 30 cfs at the North Jordan Canal POD under Kennecott's water right 59-3518. This exchange would allow Kennecott to deliver water to its mining facilities without the need to pump.

The proof on the exchange explained that the exchange was intended as a change to move the point of re-diversion of the 10, 948.92 acre-feet from the North Jordan Canal POD to the Utah and Salt Lake Canal POD.

Although this was completed under an exchange application, the diversion of water at the two points of diversion under the two water rights was to be made independently of each other. What was diverted at the North Jordan Canal would have no bearing on what could be diverted at the Utah and Salt Lake Canal as long as the limits of the water rights were not exceeded. This point was made clear in the state engineer's memo when the exchange was approved. Condition No. 2 of the approval stated:

`The total quantity of water diverted into the Utah and Salt Lake Canal under this Exchange Application, plus the quantity of water flowing in Jordan River past the intake of said canal to supply the rights of the North Jordan Irrigation Company, shall not exceed the quantity which, but for this change, would have flowed in the Jordan River past the intake of said canal to supply the rights of the North Jordan Irrigation Company and the Kennecott Copper Corporation as they existed prior to this approval;`

This exchange was used off and on over the years and there are several letters on the 59-3518 water right file indicating the State Engineers ongoing support of its validity and the conditions under which it operates.

Over the years various amounts have been segregated from 59-3496 into other water rights and moved for other purposes and in the late 1980s, North Jordan

Irrigation Company sold a portion of its beneficial uses as part of the Welby Jacob Exchange. As a result there remains only enough beneficial use in the North Jordan Irrigation Company to require the diversion of 30.11 cfs at its POD.

Regardless of these segregations and the sale, Exchange 33 can continue to operate because of the language of Condition No. 2 of the approval quoted above. However, these segregations and the sale do place some limitations on the operation of the exchange.

SEGREGATION HISTORY for: \*\*\*\*\*RUN DATE:

This Exchange as originally filed:

FLOW IN CFS	QUANTITY IN ACRE-FEET	WATER USES				
		IRRIGATED ACREAGE	STOCK (ELUs)	DOMESTIC (FAMILIES)	MUNICIPAL	MINING POWER

10948.92

10948.92

\*\*\*\*\*END OF DATA\*\*\*\*\*